IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 302 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 303 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 305 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 306 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 307 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 308 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 309 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 310 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 311 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 831 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 850 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 852 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 853 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 872 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 873 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 874 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 877 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 879 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 881 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 888 OF 2005

Haryax Plastic Products Co. Ltd.
and others ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

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Mr. Piyush Shah, Advocate for Petitioners

Ms. Ansari Nazneen Yusuf h/f Mr. S.R. Soudagar for Respondent No.2 in W.P. Nos. 302, 303, 305 to 311, 850, 853, 872 of 2005.

Mr. Hariram Choudhari, present in person in W.P. No. 831 of 2005.

Ms. S.V. Gajare, A.P.P. for State inW.P. Nos. 302, 303, 305 and 888 of 2005.

Mr. Y.S. Shinde, A.P.P. for State in W.P. Nos. 306, 307, 873 and 879 of 2005.

Mr. M.S. Mhambray, A.P.P. for State in W.P. Nos. 308, 309 and 874 of 2005.

Mr. V. B. Konde Deshmukh, A.P.P. for State in W.P. Nos. 310 and 831 of 2005.

Mr. S.R. Shinde, A.P.P. for State in W.P. Nos. 311 and 831. of 2005.

Mr. P.S. Hingorani, A.P.P. for State in W.P. Nos. 850, 852 and 853 of 2005.

Mr. Rajesh More, A.P.P. for State in W.P. Nos. 872 and 877 of 2005.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 4TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of proceedings in Criminal Case Nos.567/S/2002, 568/S/2002, 569/S/2002, 572/S/2002, 383/S/2002, 573/S/2002, 570/S/2002, 571/S/2002, 574/S/2002, 136/S/2002, 267/SS/2005, 1082/S/2002, 268/SS/2005, 269/SS/2005, 1204/S/2002, 266/SS/2005, 260/SS/2005, 1202/S/2002, 1081/S/2002 and 1055/S/2002 which are

pending in the Court of learned Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of six weeks from today. In view of this statement,

the trial Court shall not proceed with the trial for a period of six weeks from today. The learned advocate for the petitioners states that one week's advance notice shall be given to the respondent i.e. original complainant in respect of filing of revision before the learned Sessions Judge. The learned advocate for the respondent i.e.original complainant states that no objection would be raised in respect of limitation in filing revision by the petitioners before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Writ petitions are disposed of.

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